

## HOUSE BILL NO. 131

INTRODUCED BY R. SOMERVILLE

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF TRANSPORTATION TO STOP AND INSPECT DIESEL-POWERED MOTOR VEHICLES FOR THE PRESENCE OF NONTAXED, DYED DIESEL FUEL IN THEIR SUPPLY TANKS; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE; ~~AND~~ AMENDING SECTION 61-10-141, MCA; AND PROVIDING A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-10-141, MCA, is amended to read:

**"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds -- authority to inspect diesel-powered vehicles.** (1) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles as defined in 61-1-132, by means of either portable or stationary scales, and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload at a designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup

1 trucks under 14,000 pounds GVW and recreational vehicles as defined in 61-1-132 (that are not new or  
2 used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer), to  
3 enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation  
4 and safety requirements. The department may require vehicles over 10,000 pounds to be inspected and  
5 weighed by portable scale crews.

6 (4) The department of transportation shall work with the highway patrol in the enforcement of  
7 safety standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway  
8 patrol is designated as the lead agency. The highway patrol and the department of transportation shall  
9 cooperate to ensure minimum duplication and maximum coordination of enforcement effort.

10 (5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the  
11 department of transportation shall designate employees as peace officers. The designated employees must  
12 be employed in the administration of the motor carrier services functions of the department of  
13 transportation. Each employee designated as a peace officer may:

14 (a) issue citations and make arrests in connection with violations of safety standards adopted  
15 under 44-1-1005;

16 (b) issue summons;

17 (c) accept bail;

18 (d) serve warrants for arrest;

19 (e) make reasonable inspections of cargo carried by commercial motor vehicles;

20 (f) make reasonable safety inspections of commercial motor vehicles used by motor carriers; and

21 (g) require production of documents relating to the cargo, driver, routing, or ownership of the  
22 commercial motor vehicles.

23 (6) In addition to other enforcement duties assigned under this section, an employee of the  
24 department of transportation who is appointed pursuant to 61-12-201 has:

25 (a) the same authority to enforce provisions of the motor carriers law as that granted the public  
26 service commission under 69-12-203; ~~and~~

27 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery  
28 for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in  
29 Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill  
30 of lading was obtained; and

1 (c) the authority, IF PROBABLE CAUSE EXISTS, to stop and inspect the A supply tank CONNECTED TO THE  
2 ENGINE of any diesel-powered motor vehicle operating on the public highways of this state, at sites  
3 designated by the department of transportation, in order to determine compliance with Title 15, chapter  
4 70, part 3.

5 (7) THE DEPARTMENT OF TRANSPORTATION SHALL REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE  
6 AT LEAST ONCE EACH YEAR ON ITS ENFORCEMENT, PURSUANT TO THE AUTHORITY PROVIDED IN SUBSECTION (6)(C), OF  
7 THE PROVISIONS OF TITLE 15, CHAPTER 70, PART 3, AND ON ANY IMPACTS THAT ENFORCEMENT HAS HAD ON THE STATE  
8 SPECIAL REVENUE FUND."

9  
10 NEW SECTION. SECTION 2. TERMINATION. [THIS ACT] TERMINATES JULY 1, 2003.

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